

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

WINERIES OF THE OLD MISSION
PENINSULA (WOMP) ASSOC., a Michigan
Nonprofit Corporation, BOWERS HARBOR
VINEYARD & WINERY, INC, BRY'S WINERY,
LLC, CHATEAU GRAND TRAVERSE, LTD,
CHATEAU OPERATIONS, LTD, GRAPE
HARBOR, INC., MONTAGUE
DEVELOPMENT, LLC, OV THE FARM, LLC,
TABONE VINEYARDS, LLC., TWO LADS,
LLC, VILLA MARI LLC, WINERY AT BLACK
STAR FARMS, L.L.C.,

Case No: 1:20-cv-01008

Honorable Paul L. Maloney
Magistrate Ray S. Kent

ORAL ARGUMENT REQUESTED

Plaintiffs,

v

PENINSULA TOWNSHIP, Michigan Municipal
Corporation,
Defendant.

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AND STONE, PLC
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PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs, WINERIES OF THE OLD MISSION PENINSULA (WOMP) ASSOC.,
BOWERS HARBOR VINEYARD & WINERY, INC, BRY'S WINERY, LLC, CHATEAU
GRAND TRAVERSE, LTD, CHATEAU OPERATIONS, LTD, GRAPE HARBOR, INC.,
MONTAGUE DEVELOPMENT, LLC, OV THE FARM, LLC, TABONE VINEYARDS, LLC.,

TWO LADS, LLC, VILLA MARI LLC, WINERY AT BLACK STAR FARMS, L.L.C., (collectively “Plaintiffs”), by and through their attorneys, Miller, Canfield, Paddock and Stone, P.L.C. move pursuant to Fed. R. Civ. P. 56 for summary judgment on Count VIII of their First Amended Complaint as there is no genuine issue of material fact and Plaintiffs are entitled to judgment as a matter of law. Plaintiffs rely on the attached Brief in Support of Motion for Partial Summary Judgment and the Exhibits thereto in support of the relief requested.

WHEREFORE, Plaintiffs respectfully requests that this Court enter a judgment in their favor and find Sections 6.7.2(19)(a), 6.7.2(19)(b)(1)(iv), 8.7.3(10)(u)(2)(a)-(c), 8.7.3(10)(u)(2)(e), 8.7.3(10)(u)(5)(b), 8.7.3(10)(u)(5)(g) and 8.7.3(10)(u)(5)(i) of Peninsula Township’s Ordinances are preempted by Michigan law and award Plaintiffs’ their costs and attorneys’ fees incurred in bringing this action.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK
AND STONE, P.L.C.

By: /s/ Joseph M. Infante
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